

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1744.01
COMPLAINT INVESTIGATOR: Susan Miner
DATE OF COMPLAINT: May 4, 2001
DATE OF REPORT: June 1, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: July 5, 2001

COMPLAINT ISSUES:

Whether the Northern Community School Corporation of Tipton County and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-24-1(b) and (c) with regard to the school's alleged failure to appoint an educational surrogate parent for a student with a disability.

511 IAC 7-25-5(c) with regard to the school's alleged failure, within ten business days of a parent's request for an independent educational evaluation at public expense, to notify the parent in writing that the evaluation would be at public expense or that a due process hearing would be initiated to demonstrate the appropriateness of the school's evaluation.

FINDINGS OF FACT:

1. The student is twelve years old, is in the sixth grade, and is not currently eligible for special education or related services.
2. The student resides with an aunt and uncle who obtained guardianship through the court on November 13, 2000.
3. Although the guardians allege that a request was made for an educational evaluation of the student in September 2000, they could provide no documentation of the request. The school has no documentation of any such request. The guardians assert that the request for evaluation was denied because they had not obtained guardianship at the time of the request, and that as a result of the denial, an educational surrogate parent should have been appointed.
4. The guardians subsequently provided written permission for an educational evaluation on November 28, 2000. An educational evaluation was conducted and a case conference committee was convened on March 7, 2001. The student was found not eligible for special education and related services at that time.
5. The guardians requested an independent educational evaluation, in writing, on April 18, 2001. The director of special education responded to the request for an independent educational evaluation, in writing, three business days later on April 23, 2001. The list of evaluators was sent to the guardians on May 3, 2001. The letter of response indicates that the guardians made their choice of evaluator on May 8, 2001 and the evaluation is in process.

CONCLUSIONS:

1. 511 IAC 7-24-1 requires that an educational surrogate parent be appointed when no parent can be identified, when the parent's whereabouts cannot be determined, and when the student is a ward of the state. Finding of Facts #2 and #3 do not demonstrate any of the circumstances in which an educational surrogate parent was warranted. Therefore, no violation of 511 IAC 7-24-1(b) or (c) is found.
2. Findings of Fact #4 and #5 indicate that an educational evaluation was completed and a case conference committee was convened to determine eligibility, that the guardians did not agree with the outcome of the evaluation and requested an independent educational evaluation, and that the public agency notified the guardian that the independent educational evaluation would be done at public expense three business days later. Therefore, no violation of 511 IAC 7-25-5(c) is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: June 1, 2001